



THE UNITED STATES PATENT AND
TRADEMARK OFFICE

SERIAL NO: 08/523,461

ART UNIT: 2513

APPLICANT: Yasuo Kamatani

FILED: 09/05/95

FOR: MULTI-STANDARD OPTICAL DISK READING
METHOD HAVING DISTINCTION PROCESS

Response to Office Action

RECEIVED
AUG 15 1996
GROUP 2500
August 4, 1996

Hon. Examiner: Thang V. Tran
The United States Patent and Trademark Office
Washington, DC 20231

Dear Sir:

The Office Action mailed in May 16, 1996 and the references contained therein have been considered carefully by the applicant.

The Objection

Your Claim Rejection - 35 USC # 102 notifys that my claim is rejected because the patent of Ashinuma et al, (Pat# 5,289,451) has already described and claimed the optical device comprising : means for performing a step of reading contents data (TOC data) to identify a type of disk inherently including *data layers and pit configuration standard* of the optical disk; and means for settling modulation of servo mechanism means. However, the Pat # ,451 and all other patent enclosed for the reference have not fairly or clearly disclose any step to *identify total number of data layers by reading the TOC data* as I have claimed in my application. The step of identifying total number of data layers, is the significant and novel part of my patent. If you interpreted the step of

identify the type of optical disk as that the step including to count how many data layers the optical disk has, I believe that you are interpreting the step of identify the type of optical disk as too broad description. Because the TOC data can be recorded in read-in region of *each* data layer of the optical disk, then each of the TOC data is unable to indicate the *total* number of data layers.

The reason of the objection of my claim 3 is uncertain from your Claim Rejection - 35 USC # 102. The claim 3 is as follows:

3. An optical disk reading method comprising the steps of:
processing an optical signal reflected from encoded pits on an optical disk until total number of data layers and pit configuration standard of the optical disk is identified;
collating the processed optical signal with an optical disk standard data which is stored in a memory; and
settling modulation of servomechanism means dependent upon the optical disk standard data which corresponds with the processed optical signal;
(c)the servomechanism means including:
a focusing lens servo to modulate position of a focusing lens; and
a tracking servo to modulate movement of a pickup.

This optical disk reading method is to provide an optical disk reading system which is capable to detect the total number of data layers and pit configuration standard of the optical disk by processing an optical signal reflected from encoded pits on an optical disk without reading the TOC data. The total number of the optical disk can be detected by refractorometry means or interferometry means. The pit configuration standard can be detected by detecting the bit rate of the readout signal. The prior art have not fairly or clearly disclose any device which process the readout signal *to identify total number of data layers*.